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EXTRAORDINARY

PART I—Section 1

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MINISTRY OF IRRIGATION AND POWER

New Delhi, the 29th September 1953

NOTIFICATION

No. DWII-22(129).—In pursuance of sub-section (4) of section 86 of the Andhra State Act, 1953 (30 of 1953), the President hereby gives the following directions in regard to the Tungabhadra Project, namely:—

1. There shall be established with effect from the 1st day of October, 1953, a Board by the name of the Tungabhadra Board which shall consist of a Chairman to be appointed by the Central Government and of the following persons as members:—

- (1) Shri L. Venkatakrishna Ayyar, Chief Engineer, Irrigation, Andhra.
- (2) Shri K. S. Gangadhara, Chief Engineer, Mysore.
- (3) Shri P. Pappiah, Chief Engineer, Irrigation, Projects, Hyderabad.
- (4) Shri B. R. Somayajulu, Chief Engineer, Electricity, Andhra.
- (5) Shri G. Chandy, Chief Electrical Engineer, Mysore.
- (6) Shri Abdul Khader, Chief Electrical Engineer, Hyderabad.

2. (1) There shall be a Vice-Chairman of the Board and every Member shall act as the Vice-Chairman for a period of three months from the date of his assumption of office by rotation in the order in which their names have been placed in paragraph 1.

(2) The Chairman, whenever present, shall preside over the meetings of the Board and, in his absence, the Vice-Chairman shall preside over such meetings and perform such other functions as may be delegated to him by the Board.

3. (1) The Board shall have a whole-time Secretary who shall be appointed by the Central Government.

(2) All orders and decisions of the Board shall be authenticated by the signature of the Secretary of the Board.

4. (1) All matters in which there is any difference of opinion among the Members shall be referred to the Chairman whose decision thereon shall be final:

Provided that if there is any difference of opinion regarding any question of policy or the rights of the States concerned, the matter shall be referred by the Chairman to the Central Government and the decision of the Central Government, in such a case, shall be final.

Explanation.—If any Member expresses any doubt as to whether a question is a question of policy or whether the rights of the States concerned are involved, the matter shall be referred by the Chairman to the Central Government.

(2) Subject to the provisions of sub-paragraph (1) of this paragraph, the Board may make rules for the conduct of its business.

5. (1) The Board shall take charge of, and deal with, all matters relating to works on or connected with the Tungabhadra Project which are common to both

the States of Andhra and Mysore, but nothing in this sub-paragraph shall be deemed to authorise the Board to deal with any matter in respect of works which relate to only one of the States or in which only one State is interested.

(2) In particular, and without prejudice to the generality of the foregoing powers, the functions of the Board shall include—

- (a) the completion of the construction of the sanctioned Tungabhadra Project and its operation and maintenance during the period of such construction;
- (b) the regulation of supplies of water and power in accordance with such rules as may be made in this behalf by the Board;
- (c) the maintenance of the dam and reservoir of the Project;
- (d) the maintenance of the main canal and of other works relating to both the States of Andhra and Mysore;
- (e) the granting of leases of fisheries in the reservoir and in the main canal;
- (f) the proper utilisation of land acquired for the purposes of the Project;
- (g) any other function incidental to, or connected with, the functions specified in clauses (a) to (f).

6. (1) The Governments of Andhra and Mysore shall provide at all times the necessary funds for the construction and maintenance of the Tungabhadra Project:

Provided that the liability for the expenditure on the Tungabhadra Project shall be apportioned between the States of Andhra and Mysore in such proportion as may be agreed upon between the two State Governments, and, in the absence of any such agreement, in such proportion as may be fixed in this behalf by the Central Government.

(2) The Governments of Andhra and Mysore shall continue to give the same facilities to the Audit Officer of the Project and other officers engaged in connection with the Project for the payment of moneys into and withdrawal of money from the treasuries and sub-treasuries located in their respective territories as were enjoyed by such officers immediately before the 1st day of October, 1953.

7. The Board shall, in relation to the technical sanction, administrative approval and other sanctions required for the construction and maintenance of the Tungabhadra Project, have all the powers which the Chief Engineers of Madras have, in relation to any project in the State of Madras, under the Public Works Department Code and the Electricity Department Code:

Provided that the powers exercisable under either of the said codes by the Government of Madras shall be exercised by the Central Government.

8. (1) All contracts to be made in connection with the Tungabhadra Project after the 1st day of October, 1953, shall be expressed to be made jointly by and in the name of the State Governments of Andhra and Mysore and all such contracts shall be executed on behalf of the two Governments by the Secretary of the Board or such other officer as may be authorised by the Board in this behalf.

(2) Neither the Secretary nor any officer authorised by the Board making or executing any such contract shall be personally liable in respect thereof.

9. (1) The staff, which immediately before the 1st day of October, 1953, was working on the Tungabhadra Project, shall, as far as possible, continue to work on the Project after that day but the Governments of Andhra and Mysore may, if in their opinion it is necessary so to do, replace the existing staff by other persons in such manner and in such proportion as may be agreed upon between the two Governments, and, in the absence of such agreement, as may be determined in this behalf by the Central Government.

(2) The staff employed on the Project shall, as from the 1st day of October, 1953, be considered to be under the administrative control of the Board.

10. The Governments of Andhra and Mysore may depute such persons as they may designate either generally or specially to inspect the works on or connected with the Tungabhadra Project which are common to both the States of Andhra and Mysore.

A. R. KHANNA, Dy. Secy.